



# COUNTY OF LOS ANGELES

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May 16, 2002

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The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**RESOLUTION TO SET ASIDE CERTIFICATION OF MITIGATED NEGATIVE  
DECLARATION AND LAND USE APPROVALS FOR MESIVTA OF GREATER  
LOS ANGELES 9-12 BOARDING SCHOOL  
(THIRD SUPERVISORIAL DISTRICT) (3 VOTES)**

**IT IS RECOMMENDED THAT YOUR BOARD:**

Adopt the attached resolution setting aside certification of the Mitigated Negative Declaration and land use approvals relating to the Mesivta of Greater Los Angeles 9-12 boarding school and direct that an environmental impact report be prepared for the project in accordance with a court ruling.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of this action is to request that your Board adopt a resolution to comply with a court ruling issued in litigation challenging land use approvals which your Board had previously issued for the proposed Mesivta of Greater Los Angeles K-12 private boarding school (the "Project") in the unincorporated Calabasas area of the Third District.

On May 11, 1999, your Board certified a Mitigated Negative Declaration ("MND") and approved Conditional Use Permit No. 97-166-(3), Oak Tree Permit No. 97-166-(3), and Parking Permit No. 97-166-(3) (the "project approvals") in connection with the proposed Project. Your project approvals were challenged in a lawsuit, which alleged numerous environmental law violations.

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The trial of this lawsuit was heard on February 4, 2000, in Department 86 of the Los Angeles Superior Court. On March 2, 2000, the court entered judgment in favor of the County and real party in interest Mesivta of Greater Los Angeles ("Mesivta").

On April 24, 2000, petitioner Mountain View Homeowner's Association ("Mountain View") filed an appeal from the judgment with the California Court of Appeal. On August 21, 2001, the Court of Appeal reversed the superior court judgment and remanded the case back to the superior court with instructions to issue a writ of mandamus and such other accompanying relief as it deemed appropriate.

Based on the decision of the Court of Appeal, the superior court has issued a Peremptory Writ of Mandate ordering that your Board set aside the MND and project approvals and directed the County to require preparation of an environmental impact report for the proposed Project.

The attached resolution provides for the setting aside of the MND and project approvals in accordance with the court's ruling and directs County staff to take the necessary actions as specified by the court.

#### **Implementation of Strategic Plan Goals**

This recommended action is not applicable to strategic plan goals since the Board is complying with a court order.

#### **FISCAL IMPACT/FINANCING**

The applicant will be required to bear the cost of preparing the environmental impact report required by the court ruling.

#### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The proposed Project entails the construction and operation of a 132-student private boarding school for grades 9-12 with appurtenant facilities consisting of approximately 56,640 square feet of improvements and the removal of seven oak trees. The Regional Planning Commission conducted a hearing on the proposed Project which took place over several sessions. Your Board conducted its own hearing on the proposed Project and certified the MND and granted various land use approvals.

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The court's ruling requires that the MND and project approvals be set aside. Specifically, the County is directed to set aside and vacate the MND; set aside and vacate the approval of Conditional Use Permit No. 97-166-(3), Oak Tree Permit No. 97-166-(3), and Parking Permit No. 97-166-(3); and take all actions necessary to prepare and approve an environmental impact report for the Project in compliance with the California Environmental Quality Act, Public Resources Code section 21000 et seq.

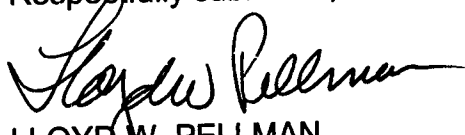
**IMPACTS ON CURRENT SERVICES (OR PROJECTS)**

The requested action will not affect current services or other projects.

**ENVIRONMENTAL DOCUMENTATION**

As ordered by the court, the requested action directs that an environmental impact report be prepared for the proposed Project.

Respectfully submitted,

  
LLOYD W. PELLMAN  
County Counsel

LWP:PJG

Attachment

c: David E. Janssen  
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer  
Board of Supervisors

James E. Hartl, Director  
Department of Regional Planning

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF LOS ANGELES  
SETTING ASIDE CERTIFICATION OF THE  
MITIGATED NEGATIVE DECLARATION AND LAND USE APPROVALS  
FOR THE MESIVTA PROJECT AND REQUIRING FURTHER ACTIONS  
IN COMPLIANCE WITH COURT RULING**

**WHEREAS**, on October 29, 1997, Mesivta of Greater Los Angeles ("Mesivta") submitted applications to the Department of Regional Planning of the County of Los Angeles ("County") for Conditional Use Permit No. 97-166-(3), Parking Permit No. 97-166-(3), and Oak Tree Permit No. 97-166-(3) in connection with a proposal to construct and operate a 132-student private boarding school for grades 9-12 with appurtenant facilities consisting of approximately 56,640 square feet of improvements and the removal of seven oak trees (collectively the "Project"); and

**WHEREAS**, the Project was proposed to be located on an approximately 8.5-acre site located at 25115 Mureau Road in the Calabasas area of unincorporated County of Los Angeles; and

**WHEREAS**, in conjunction with the processing of the Project, and in accordance with the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"), and the State CEQA Guidelines, 14 California Code of Regulations section 15000 et seq., the County caused to be prepared a Mitigated Negative Declaration ("MND") (SCH No. 98071020); and

**WHEREAS**, after preparation and public circulation of the MND, the Regional Planning Commission of the County of Los Angeles ("Planning Commission") conducted public hearings regarding the Project and MND; and

**WHEREAS**, on March 17, 1999, the Planning Commission unanimously certified the MND and approved the Project; and

**WHEREAS**, the Board of Supervisors ("Board") conducted a de novo public hearing regarding the Project and MND on March 17, 1999, and directed staff to prepare findings and conditions of approval for the Project; and

**WHEREAS**, on May 11, 1999, the Board unanimously certified the MND and approved the Project; and

**WHEREAS**, on or about August 31, 1999, the Mountain View Estates Homeowners Association ("Mountain View") filed a petition for writ of mandate challenging the County's approval of the Project and its certification of the MND; and

**WHEREAS**, on March 2, 2000, the Los Angeles Superior Court, entered a judgment denying Mountain View's petition for writ of mandate; and

**WHEREAS**, on April 25, 2000, Mountain View filed an appeal to the California Court of Appeal from the judgment entered in the superior court; and

**WHEREAS**, on August 21, 2001, the Court of Appeal reversed the superior court judgment with respect to the MND and the Project and remanded the case back to the superior court with instructions to issue the writ of mandamus and such other accompanying relief as it deemed appropriate; and

**WHEREAS**, the superior court issued a peremptory writ of mandate which directs the County and its Board to set aside and vacate the MND (SCH No. 98071020); set aside and vacate the approval of Conditional Use Permit No. 97-166-(3), Parking Permit No. 97-166-(3), and Oak Tree Permit No. 97-166-(3); and take all actions necessary to prepare and approve an environmental impact report for the Project in compliance with CEQA.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Los Angeles does hereby:

1. Set aside and vacate its certification of the MND; and
2. Set aside and vacate the approval of Conditional Use Permit No. 97-166-(3), Parking Permit No. 97-166-(3), and Oak Tree Permit No. 97-166-(3); and

3. Direct that County staff take all actions necessary to prepare, or cause to be prepared, an environmental impact report for Conditional Use Permit No. 97-166-(3), Parking Permit No. 97-166-(3), and Oak Tree Permit No. 97-166-(3) in compliance with CEQA and all other relevant statutes, codes, and guidelines.

The foregoing resolution was on the \_\_\_\_ day of \_\_\_\_\_, 2002, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

VIOLET VARONA-LUKENS, Executive Officer-  
Clerk of the Board of Supervisors of the  
County of Los Angeles

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN  
County Counsel

By:   
Deputy